



# Environmental Law Program

University of Hawai'i  
at Mānoa

William S. Richardson  
School of Law

## DEAN'S MESSAGE

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*"I am privileged to be among those who received an Environmental Law Certificate from the William S. Richardson School of Law. The complexity of federal and local environmental laws makes it easy to lose sight of the big picture. Under the leadership of Professor Casey Jarman, the Environmental Law Certificate Program stressed not only learning the law, but learning to remember the underlying reason for entering this field of law—protection of our natural environment and resources. The Environmental Law Certificate Program also incorporates Native Hawaiian cultural and traditional values, which adds invaluable insight into the practice of environmental law on Pacific Islands."*

**Serge Quenqa**, class of 1996, assistant attorney general, Territory of Guam.

**ALOHA!** I am pleased to introduce you to our exciting Environmental Law Program (ELP). From its inception in 1988, our ELP has grown into a comprehensive program with a regional, national, and international reputation for excellence in teaching, scholarship, and public service. The success of ELP is hardly happenstance, but rather the product of the inspiration and perspiration of our noteworthy faculty, very dedicated and talented students, and the generous support of friends of ELP.

The diverse interests and expertise of our core and affiliate faculty allow us to offer a rich program of study. Varied perspectives of government, public interest, and private sectors are particularly accessible and important in Hawai'i. Our students have unparalleled opportunities to engage directly in activities that include arguing mock cases before Hawai'i, national, and international judges; externing with the government, corporate law firms, public interest law firms, and state agencies; testifying before law-making bodies; and participating in national conferences. They also work in the *lo'i* (taro fields) with community groups, clean up streams and beaches, and take service field trips to help restore native vegetation to deforested areas. ELP graduates are working for the U.S. Department of Justice, serving in the Hawai'i Legislature, representing private landowners, and litigating in federal court for environmental groups, together mak-



Dean Soifer (right) with William S. Richardson, Chief Justice, Hawai'i Supreme Court 1966–1982.

ing remarkable contributions to enlightened environmental stewardship in Hawai'i, the Pacific region, the U.S., and internationally. We invite you to meet, learn from, and one day become part of a remarkable community of lawyers by becoming a member of the ELP 'ohana (family).

A handwritten signature in black ink, reading "Aviam Soifer".

**AVIAM SOIFER**  
Dean and Professor of Law

Cover photo: Green Sea Turtle, *Chelonia mydas*, hatchling at French Frigate Shoals, Northwestern Hawaiian Islands.  
PHOTO BY BRUCE D. EILERTS

Background photo: Polyps of *Porites compressa*, an endemic Hawaiian coral.  
PHOTO BY KEOKI & YUKO STENDER

## THE LAW SCHOOL: EXCELLENCE IN AN 'OHANA (FAMILY) SETTING

**THE WILLIAM S. RICHARDSON SCHOOL OF LAW** at the University of Hawai'i is located in beautiful Mānoa Valley on the island of O'ahu. Opened in 1973, it is the only law school in the State of Hawai'i. It is accredited by the American Bar Association and is a member of the American Association of Law Schools. The School of Law's Juris Doctor (JD) program prepares degree candidates for active and effective professional participation in legal counseling, advocacy, and decision-making—whether in court or at the legislature, attorney's office or corporate board room, state agency or federal commission, community center or international conference. At the School of Law, students are encouraged to study law and legal institutions as integral parts of larger social, political-economic, and ecological systems.

The School of Law's accomplished student body of approximately 300 is the most ethnically diverse in the nation, attracting students from a number of Pacific/Asian countries, as well as from Hawai'i's many ethnic groups. Our law school has one of the highest faculty-to-student ratios in the country. In this 'ohana setting, student-faculty interactions are encouraged—whether it involves a lively class discussion of cutting-edge land use issues, a field trip to a polluted waterway, service trips to remove alien species, or collaborative efforts to teach community workshops.

The School of Law offers a rich curriculum that includes two specialty certificates—Environmental Law and Pacific-Asian Legal Studies—providing students focused courses of study and an advantage in launching their careers. Students can also select from a num-

ber of clinics, both live-client and simulated. Our moot court teams (including two different types of environmental law teams) have an impressive history of success in both national and international competitions, including several regional and national championships. The School of Law was among the first in the U.S. to adopt a pro bono (public service) graduation requirement. In academic year 2003–04, the School of Law instituted an LLM (Master of Law and Letters) for foreign lawyers.

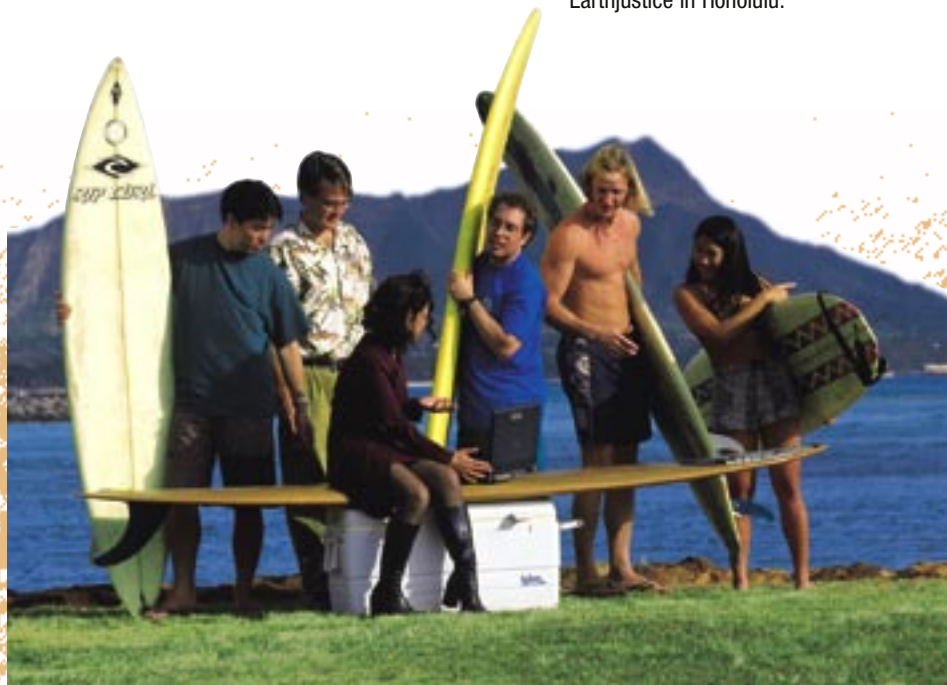
The School of Law is proud of its very successful placement rate for graduates, both in judicial clerkships and in a variety of rewarding careers in Hawai'i, the U.S. mainland, and throughout Asia and the Pacific. The student body takes advantage of the vibrant intellectual atmosphere at the School of Law and the University of Hawai'i by participating in student organizations, law journals, conferences, public service, and Hawai'i's legal and social communities. Outside the classroom, students can enjoy the unique recreational opportunities in Hawai'i, such as paddling, surfing, Hawaiian music, and hiking in native forests. Visit our website at [www.hawaii.edu/law](http://www.hawaii.edu/law) to learn more about our outstanding School of Law.

*"The Environmental Law Program combines the legal background on state and national environmental laws and policy with an invaluable 'local perspective.' In addition to teaching me 'black letter' law, the Program made the law 'real' by juxtaposing community outreach and interaction. I had the privilege of sharing my new-found knowledge at community-based workshops sponsored by the ELP and funded by the EPA and of presenting my second-year seminar paper on native rights and environmental policy at a national environmental law conference."*

Kapua Sproat, class of 1998, staff attorney with Earthjustice in Honolulu.

Environmental Law Society students discussing surf conditions at Waikiki Beach.

PHOTO BY PAUL & VICTORIA McCORMICK





Ōhia Lehua, an endemic Hawaiian tree, Hawai'i Volcanoes National Park.

**Jean Campbell**, class of 2000, who is practicing corporate environmental and land use law with Carlsmith Ball in Honolulu, reports:

*"I was able to start working as an environmental law attorney straight out of school because of the great training I received in the environmental law program. I learned how to approach environmental law problems and untangle complicated statutes, regulations, and cases. I saw the direct effect of environmental laws through class field trips to regulated facilities, wildlife preserves, and the shorelines of neighbor islands."*

## THE ENVIRONMENTAL LAW PROGRAM: A SPECIAL PROGRAM IN A SPECTACULAR PLACE

**THE DRAMATICALLY BEAUTIFUL HAWAIIAN ARCHIPELAGO** is one of the most isolated places in the world. Its special geographic location in the middle of the Pacific Ocean has contributed to the evolution of spectacular and unique island ecosystems that are particularly vulnerable to disruption. Population growth in Hawai'i has brought important economic development, but it also has created significant stresses on the environment. Although Hawai'i represents less than one percent of the land mass of the United States, Hawai'i has 80 percent of its coral reefs and approximately 75 percent of the nation's listed endangered species. Conflicts over use and management of the state's limited natural resources, particularly developments along the coastline, constantly challenge the abilities of Hawai'i's political-legal system.

Recognizing the challenges that Hawai'i faces in maintaining an environmentally sustainable economy, the School of Law has developed a vibrant and diverse Environmental Law Program (ELP). Since its inception in 1988, the ELP has been a leading specialty program at the School of Law, and we are ranked among the top 25 schools in the nation for studying environmental law. In training future environmental lawyers, the ELP contributes to the advancement of environmental law doctrine, scholarship, and practice locally, regionally, nationally, and internationally.

The ELP offers a significant number of exciting and varied courses in environmental law and related fields. The cornerstone of the program, the Certificate in Environmental Law, recognizes the strong student interest in this area, the expertise of our faculty, and the diverse job opportunities in this dynamic field of law. In addition to coursework, opportunities for students to develop their real-world legal skills include our environmental law moot court teams, a wide variety of environmental law externships, pro bono projects, the Environmental Law Clinic, and summer jobs. ELP students have worked for private law firms both in Hawai'i and on the mainland,

Hawai'i government offices (such as the Office of the Attorney General and the Legislature), public interest law firms and organizations (ranging from Earthjustice to the Pacific Legal Foundation), federal agencies (including the U.S. Department of Justice and the U.S. Army, Navy, Marines, and Coast Guard), Native Hawaiian interests (from the Native Hawaiian Legal Corporation to an indigenous resource management organization on the mainland), and at all levels of the judiciary.

**Della Au Belatti**, class of 2003, who clerked with Hawai'i Supreme Court Justice Simeon Acoba, comments: *"The faculty, visiting scholars, and students of the School of Law's ELP gave me a uniquely valuable law school experience. There were always exciting programs and speakers on campus, and the challenging coursework presented the wide range of environmental law issues facing lawyers and society at large. I was equally impressed with and grateful for the numerous opportunities for students to learn and interact with practicing attorneys, travel to out-of-state conferences to enhance our learning, and get involved with the community through pro bono projects or clean-ups. Put simply, the ELP provided a rich learning environment!"*



Right: 1959 eruption of Kilauea Iki Crater, Hawai'i Volcanoes National Park.

HAWAII VOLCANOES NATIONAL OBSERVATORY, J. P. EATON

## COMMUNITY OUTREACH AND EDUCATION (CORE): EXTENDING THE 'OHANA



One of Hawai'i's rare honey-creepers, the 'I'iwi, resting on an 'Ōhia Lehua blossom.

PHOTO BY JACK JEFFREY

**IN 1995, THE ELP LAUNCHED THE FIRST PROJECT** in its Community OutReach and Education (CORE) program. With a grant from the U.S. Environmental Protection Agency and in cooperation with the Native Hawaiian Advisory Council (NHAC), ELP faculty and students published two handbooks on selected Hawai'i environmental and natural resource laws and administrative processes. In 1995 and 1997, the ELP and NHAC used these books as teaching tools in a series of community based workshops around the islands. With support from the Hawai'i Community Foundation, in 2002, ELP Professor Casey Jarman produced a videotape and workbook on lawyering skills to assist community groups in preparing for adjudicatory hearings in front of Hawai'i's state and county land use, natural resource, and environmental agencies. The materials were presented at workshops throughout the state and are available on the ELP website. This project represents a collaborative effort of ELP faculty, students, and local attorneys.

Three years ago, ELP Director Professor Denise Antolini launched a web project called 'OHELO, Our Hawai'i Environmental Law On-Line. (The 'ohelo is a small native plant whose berries are a favorite of Hawai'i's state bird, the endangered Nēnē.) An ongoing student-staffed project, 'OHELO brings together for the first time in one easily accessible site Hawai'i's envi-

ronmental laws, including state, federal, and agency decisions, as well as research links and recent developments.

Several public service environmental law grants are available to students at the School of Law. The No Ke Ola o ka 'Āina (For the Life of the Land) summer grant, offered by the student-run Environmental Law Society, is a competitive award up to \$2000 that funds a student's summer clerkship with an environmental public interest or governmental organization. The Natural Resources Section (NRS) of the Hawai'i State Bar Association also offers summer grants through the Diversity Fellowship in Environmental Law, funded up to \$5000 by the NRS and the ABA Section on Environment, Energy, and Resources.

As part of their 60-hour pro bono graduation requirement, ELP students have donated thousands of hours to community projects supervised by environmental attorneys. Students also participate in our Environmental Law Clinic. This non-litigation clinic gives students "live" training in counseling clients that include, for example, environmental and natural resource agencies seeking advice on developing regulations, private entities seeking permits, and community groups needing assistance to participate in administrative agency hearings. ELP's Colloquia Series also reaches out to the community by bringing to the School of Law attorneys and scholars to lecture on "hot topics" in environmental, land use, and ocean law. This lecture series is well attended by students, faculty, staff, local attorneys, campus colleagues, and community advocates, and summaries of the lectures are posted on the ELP web site for broader public access.

2002 fellowship recipient **Jill Raznov**, class of 2003, associate at Ning Lilly & Jones, Honolulu, said about her experience:

*"Receiving the Fellowship was a tremendous honor and opportunity. It provided me with the resources to become the first UH law student to intern at The Nature Conservancy of Honolulu. I was able to work directly on land conservation issues domestically and internationally."*



Professor Jarman's Fall 2004 Domestic Ocean and Coastal Law Class cleans up remote Kamilo Beach, Island of Hawai'i.

## EXPANDING STUDENT OPPORTUNITIES: PROMOTING STUDENT SCHOLARSHIP AND OFF-CAMPUS LEARNING

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*"While in law school, I immersed myself in land use and property law, focusing on the impacts of environmental law on small landowners and businesses. Working closely with ELP Professor David Callies, including as his co-author on two articles, was an inspiring opportunity that I would not have had at any other law school. I'm grateful that ELP led me to my job with the nation's leading law firm in this area."*

**David Breemer,**  
class of 2001, staff  
attorney, Pacific Legal  
Foundation, Sacramento,  
California.

**ELP STUDENTS ENJOY A WEALTH OF OPPORTUNITIES** to learn from the top environmental and land use attorneys in Hawai'i and the U.S., and to share their scholarship and knowledge about Hawai'i's environmental issues with professors, law students, and practitioners across the country. For some of the students' stories, check out the "Students on the Go!" page of the ELP website.

To expand opportunities for students outside the traditional classroom setting, the ELP has created a diverse program of grants and awards that supports law student scholarship and participation in regional and national conferences. The Wayne C. Gagne Memorial Award provides funding for an officer of the Environmental Law Society to attend the Western Public Interest Environmental Law Conference (WPIELC) held each March at the University of Oregon School of Law. With funding from alumni and other donors, the ELP sends students to Washington, D.C. for the ALI-ABA Environmental Law Conference held in February of each year. This practitioners' conference is widely attended by leading government and private environmental attorneys. The Pōhaku Fund of



Marlyn Aguilar and Koa Kaululukui, class of 2006, at a Denver conference with Mervyn Tano, President, International Institute for Indigenous Resource Management.

the Tides Foundation has supported ELP student travel to other cutting-edge conferences, such as the Rocky Mountain Annual Land Use Institute and the "Environmental Justice Through NEPA" Conference held in Denver, Colorado, for indigenous resource managers working with the environmental impact statement process.

To promote student scholarship, in September 2000, the ELP launched two student paper series. The first, *He Mau Mo'olelo Kānāwai o ka 'Āina* (Stories of the Law of the Land), is published both in print and on the ELP website, and is mailed to a targeted audience of attorneys and policymakers. In addition, ELP web-publishes outstanding student papers on environmental law topics written for various courses at the School of Law. These two series represent a selection of the best scholarship produced by our law students each year on environmental, land use, and indigenous peoples' law issues.



To further encourage excellence in learning and scholarship among law students, the School of Law and ELP have established several awards specifically for academic achievement and scholarship in environmental, property, and land use law. For example, the Honolulu law firm Alston Hunt Floyd & Ing gives a cash award each year to the best second-year environmental law paper. Encouraged by ELP faculty, School of Law students have successfully competed for local and national writing awards, and published their papers in a variety of legal journals.

Students also expand their legal skills by working as Research Assistants for ELP faculty on a variety of projects, including: Professor

Antolini's 2004–05 grant with the National Oceanic and Atmospheric Administration (NOAA) to educate mariners sailing through Hawai'i's waters about its special environmental and navigational safety issues; Professor Van Dyke's historical research on ceded lands and Native Hawaiian rights; Professor Jarman's recent book on administrative law practice in Hawai'i; and Professor Callies' ongoing comparative research on U.S.-Japan-Asia property rights and takings law. Students also work as Research Associates for the ELP, maintaining the web site and ELP library; editing the *Mo'olelo* series and on-line papers; writing grants; and assisting in program research and administration.

*"The ELP really opened my eyes to both the beauty and fragility of Hawai'i's natural environment. The program has all the bases covered: the Environmental Law Society to discover and enjoy Hawai'i's environment with like-minded students and faculty, the Certificate program to learn the law, and close ties with Hawai'i's environmental law community. A big highlight for me was that ELP published my second-year paper on Hawai'i's endangered species issues sending it to experts across the country."*

**Darcy Kishida**, class of 2001, law clerk to Judge Corinne Watanabe, Intermediate Court of Appeals; associate with Stirling & Kleintop in Honolulu.



PHOTO BY DAVID SCHRICHTE, PHOTO RESOURCE HAWAII.

Coral reefs at Kāne'ohe Bay, O'ahu.

School of Hawaiian reef fish, including the Yellow Tang, *Zebrasoma flavescens*.



PHOTO BY KEOKI STENDER

## ENVIRONMENTAL LAW MOOT COURT TEAMS: A RECORD OF SUCCESS



Professor Antolini and the 1999 Environmental Law Moot Court National Championship Team (Elijah Yip, Kaiulani Kidani, and Paul Tanaka) with former Honolulu Mayor Jeremy Harris.



Leilani Tan, class of 2002, International Environmental Law Moot Court Team member, with Best Oralist Award.

**THE ELP IS PROUD TO SPONSOR** two different student moot court teams — one that addresses national pollution control issues and the other that concerns international environmental disputes — that participate every year in mock appellate arguments held on the U.S. mainland against other top law schools. Both teams have outstanding records of success in the prestigious competitions that test their advocacy skills on complex law issues before seasoned judges and allow them to match their wits against other talented law students from the U.S. and around the world.

**One team — the Environmental Law Moot Court Team** — focuses on complex federal environmental law problems and has competed every year since 1991 at the Pace University Law School National Environmental Law Moot Court Competition in New York. In 1999, this team won the National Championship out of over 60 schools competing; in 2002, the team won the top award for their excellent Brief for Appellees; and, in 2003, the team received the Best Overall Brief Award. Team Captain **Martha Townsend**, class of 2005, voted “best oralist” in both of her preliminary rounds, commented: “*My two years on the team were one of the most rewarding experiences of my entire law school career. Nothing else could have honed my legal skills quite like our weeks of*

*intensive writing then grueling practices before local judges on difficult water pollution and jurisdictional issues. By the time we arrived in New York, we were one of the best prepared teams there.*”

### **The other team — the International Environmental Law Moot Court Team**

— began competing in 2000 against U.S. and international law schools at the Stetson College of Law competition each October in Florida. In that first year, team member Leilani Tan, class of 2002, won the Best Oralist Award among all competitors. In 2002, our team was the top-scoring U.S. team and second in the international competition that included teams from India, Spain, Ireland, and Australia. In 2003, the team won third place overall on a topic involving high seas driftnet fishing. In 2004, the team won the prestigious Best Memorial Brief award addressing an international dispute involving wetlands and biodiversity. **Ranae Doser**, class of 2005, noted: “*The international aspect of this competition was a phenomenal experience. We tested our professional skills against law students around the globe on truly difficult international law controversies. The competition is a rare, and fun, opportunity to experience personally the exciting future of international law.*”



2004 International Environmental Law Moot Court Team: Coach Adjunct Professor Doug Codiga and team members Jennifer Tsou, Ranae Doser, and Chris Terry

## THE ENVIRONMENTAL LAW SOCIETY: COMMITTED TO COMMUNITY SERVICE AND FUN!

**THE ENVIRONMENTAL LAW SOCIETY (ELS)** is one of the largest and most active student organizations at the School of Law. Created in 1987, ELS has built an impressive program of education, scholarship, and public service. The reasons for the students' success are numerous: the natural environment that makes Hawai'i an extraordinary place to learn; the strong support of administration, faculty, and alumni; and the effort of enthusiastic student members.

Hawai'i's unique environment makes it a rare and special place to study environmental law. The mission of ELS is to increase student and public awareness of the environmental issues and values that underlie many of today's policy decisions. ELS provides students and the general community with exposure to environmental issues and laws, engages in conservation efforts, and develops student skills to participate in the making of sound environmental policy. Students are matched with attorneys practicing environmental law through externships, summer associate positions, conferences, and community/bar activities.

Striving to put students into Hawai'i's spectacular environment, ELS offers exciting hikes and service projects throughout the school year. To enhance student opportunities to work in the public sector of environmental law, the ELS offers a summer grant program, No Ke Ola o ka 'Āina (For the Life of the Land).



**Robert Harris**, class of 2002, the first ELS grant recipient, spent a rewarding summer with the Hawai'i Attorney General's Office working on environmental enforcement: *"The grant program offers an exciting opportunity to see first-hand Hawai'i's environmental laws at work and complemented my coursework in law school. I was directly involved in enforcement cases, working side-by-side with the top government attorneys in the state."*



PHOTO BY SARAH BAZZI

ELS Members cleaning up Mānoa Stream.

Other ongoing ELS projects include co-publishing with the ELP the *Hawai'i Environmental Law Careers Directory*; putting on a film series; law school recycling; keeping students up-to-date on current events; and cleaning up a nearby segment of Mānoa Stream as part of the City and County of Honolulu's Adopt-a-Stream program. In addition, ELS sponsors hiking trips, beach clean-ups, and other events that bring together ELS students, faculty, alumni, and Hawai'i's environmental law bar. ELS members are passionate about taking care of the environment. They already make a difference and know they will continue to do so!

Left: ELP RA Molly Schmidt, class of 2006, enjoying time off at Waimano Falls, O'ahu.

## THE ENVIRONMENTAL LAW FACULTY: EXPERIENCE AND COMMITMENT

*The School of Law's Environmental Law Program core and affiliate faculty are nationally and internationally recognized for their expertise. They actively participate as scholars, advocates, consultants, and decisionmakers on significant environmental issues in the State of Hawai'i and around the globe.*

*"The Environmental Law Program gave me the skills, experience, and confidence needed to obtain my 'dream job' of working for the U.S. Department of Justice's Environment and Natural Resources Division (ENRD) in Washington, D.C. Because of the great courses, programs, and personal encouragement of ELP Professor Denise Antolini, I sought and achieved a summer clerkship with ENRD, where I worked on ground-breaking enforcement projects, policy recommendations for legislation, and mediation of complex intra-agency disputes. Without a doubt, ELP opened the door to my exciting career with the Justice Department."*

**Ammie Roseman-Orr**, class of 1999, law clerk, Chief Justice Ronald Moon, Hawai'i Supreme Court; Environmental Attorney with U.S. Department of Justice, Washington, D.C.

### Environmental Law Program Director



**ASSOC. PROFESSOR  
DENISE E. ANTOLINI**

(AB, magna cum laude, Princeton University, 1982; MPP, University of California, Berkeley, 1985; JD, University of California, Berkeley, 1986) joined the faculty in 1996, assisted Professor Jarman in the development of the ELP, and now serves as

its Director. She teaches torts, environmental law courses, and legal writing. She co-advises the Environmental Law Society and the Environmental Law Moot Court Teams. After a federal district court clerkship in Washington, D.C., she spent eight years practicing public interest law with the Sierra Club Legal Defense Fund (now Earthjustice) in Seattle and Honolulu. She was editor-in-chief of *Ecology Law Quarterly* at the University of California at Berkeley's Boalt Hall. Professor Antolini litigated several major

environmental cases involving coastal pollution, water rights, endangered species, environmental impact statements, and Native Hawaiian rights. She served on state legislative task forces involving tort reform and Native Hawaiian traditional and customary rights and is currently chair of the State Environmental Council. She was honored with the Hawai'i Women Lawyers' Distinguished Community Service Award in 2003. She recently authored a governance review of Hawai'i's marine man-

aged areas for the State of Hawai'i and has published articles in the areas of public nuisance and punitive damages. In 2003–04, she received a Fulbright award and lived with her family for a year in Italy, where she taught international environmental law as the Distinguished Chair in Environmental Studies at the Politecnico di Torino (Turin). Professor Antolini lives on O'ahu's rural North Shore with her husband and energetic young sons, and enjoys hiking, gardening, and family beach excursions.

### Core Faculty



**PROFESSOR  
M. CASEY JARMAN**

(BA, magna cum laude, Barry University, 1971; MS, Florida International University, 1974; JD, University of Mississippi, 1981; LLM, University

of Washington, 1985) came from the University of Mississippi, where she was Director of the Coastal and Marine Resources Program, to join the School of Law faculty in 1987. She is the founder and past Director of the ELP. She teaches environmental, administrative, domestic ocean and coastal law courses, and legal writing. She co-advises the Environmental Law Society and the Environmental Law Moot Court Teams.

After serving two terms on the State Land Use Commission, she realized that community groups were disadvantaged because of their lack of training in administrative and land use law. As a result, she prepared a workbook, video, and workshops to train small landowners and community activists. Professor Jarman was a founding member of Law Professors for Environmental Justice, past chair of the Environmental Section of

the American Association of Law Schools, and has organized several national environmental law conferences. She has won many awards for her community service, including the Hawai'i Women Lawyers' prestigious President's Award. Professor Jarman and her significant other live in the Volcano area on the Big Island, where they work to restore native plant and turtle habitat.



**PROFESSOR  
JON M. VAN DYKE**

(BA, cum laude, Yale University, 1964; JD, cum laude, Harvard University, 1967) has served on the faculty since 1976,

teaching constitutional law, international law, international ocean law, and international human rights. He supervises the School of Law's successful Jessup International Law Moot Court Team. He has authored and edited numerous books, including *International Law and Litigation in the U.S.* and *Freedom for the Seas in the 21st Century*, which earned the Harold and Margaret Sprout Award as the best book on environmental

policy for 1994 from the International Studies Association. He is currently researching and writing on the legal issues raised by shipments of radioactive materials through the oceans, the use of low-frequency active sonar by navies and its impact on marine mammals, the siting of nuclear power plants, the impact of atmospheric testing in the Pacific, water rights in Hawai'i, the rights of natives to land and resources, and

management of fisheries on the high seas and whaling. He travels frequently, most recently lecturing in Fiji, London, Kuala Lumpur, Panama City, and Bangkok. Between his frequent trips to the Pacific Islands and Asia, he enjoys his home nestled in the tropical rainforest overlooking Mānoa Valley with his wife Sherry Broder, a prominent Honolulu attorney.

**Benjamin A.  
Kudo Chair**

In 1994, an anonymous donor endowed a \$1.5 million chair in the name of distinguished Honolulu real estate and land use attorney Benjamin A. Kudo. The purpose of the endowed chair is to promote research, writing, and teaching in land use, administrative, and environmental law. The funds generated by the endowment support research materials and assistance, as well as travel to national and international conferences and seminars. In 1995, the University conferred the chair upon David L. Callies, professor of law at the School of Law and an internationally recognized expert on land use law. The Kudo Chair has allowed Professor Callies to expand his research horizons and present his recent work at conferences in Hawai'i, the U.S. mainland, England, and Japan. He recently co-authored a comparative study of land use and eminent domain laws in eleven Asian-Pacific countries.



**PROFESSOR  
DAVID L. CALLIES**

(AB, Depauw University, 1965; JD, University of Michigan, 1968; LL.M., Nottingham University (England), 1969) holds the distinguished Benjamin A. Kudo Chair of Law. Professor Callies teaches property law, land use

management and control, and state and local government law. He joined the faculty in 1978 with a decade of experience adjunct teaching and in private practice counseling local, state, and national government agencies in land use management and control, transportation policy, and intergovernmental relations. Professor Callies is a member of the prestigious American Law Institute and has been elected to the College of Fellows of the American Institute of Planners and to the American College

of Real Estate Lawyers. In 2000, Professor Callies was conferred the honor of lifetime member of Clare Hall, Cambridge University, where he was a visiting scholar. Professor Callies has authored and collaborated on numerous publications, including *The Quiet Revolution in Land Use Control; Cases and Materials on Land Use* (4th ed.); *Property Law and the Public Interest* (2d ed.); *Land Use and Environmental Law Review* (co-editor); *Land Use and Compulsory Purchase in*

*the Asia-Pacific* (co-editor); and *Bargaining for Development: A Handbook on Development Agreements, Annexation Agreements, Vested Rights and Land Development Conditions* (co-author). He has lectured on land use and property law in the Pacific Islands, Asia, Europe, and Australia, and surveyed land and environmental laws in the Pacific Islands, Canada, and South America. Professor Callies is an avid swimmer and devoted fan of UH volleyball and basketball.



HAWAIIAN ISLANDS NATIONAL MARINE SANCTUARY PHOTO

Humpback cow and calf  
in the Hawaiian Islands  
Humpback Whale Sanctuary.

## Affiliate Faculty: Experienced Teachers, Practitioners, and Community Leaders

*"I came to law school intending to practice environmental law. The law school's Environmental Law Certificate Program provided a practical and meaningful focus for my course work. The ELP was a valuable and important step towards practicing environmental law in Hawai'i, obtaining an LLM at the Yale Law School, and returning to teach environmental law courses in the ELP."*

**Doug Codiga**, Adjunct Professor, School of Law.



*Sadleria cyatheoides*, an endemic Hawaiian fern.

### LAW FACULTY

**PROFESSOR JOHN L. BARKAI**, who has an MBA and JD from the University of Michigan, joined the faculty in 1978. He directs the clinical program and teaches Alternative Dispute Resolution (ADR), Evidence, and Prosecution Clinic. He is active in the legal community, serving as President of the Board of Directors of the Neighborhood Justice (Mediation) Center, past Chair of the ADR Section of the Hawai'i State Bar, and past President of the Legal Aid Society of Hawai'i.

**PROFESSOR WILLIAMSON B.C. CHANG** received his JD from the University of California, Berkeley. Born and raised in Hawai'i, he teaches Native Hawaiian Rights, and Legal Aspects of Water Resources Control. He is recognized both nationally and internationally for his scholarship on Native Hawaiian issues. Professor Chang visited Hiroshima University as part of the School of Law's faculty exchange program and University of Western Australia at Perth under the Fulbright exchange program. From 1989 to 1990, he worked as a special assistant to U.S. Senator Daniel Inouye on kanaka maoli (Native Hawaiian) rights.

### PRACTITIONERS AND JUDGES

**ADJUNCT PROFESSOR JEAN CAMPBELL** graduated cum laude with her JD in 2000 from the William S. Richardson School of Law and is an associate at the Honolulu law firm Carlsmith Ball. She practices real property and environmental law with a concentration in the areas of real property development and mergers and acquisitions. She received her BA in English, with honors, from the University of Hawai'i at Mānoa and her Master of Arts from San Diego State University. She co-teaches a seminar on real estate transactions and natural resources conservation with Melinda Ching.

**ADJUNCT PROFESSOR MELINDA CHING**, a graduate of the University of California Davis Law School, is Regional Counsel for The Nature Conservancy's (TNC) Asia-Pacific Region and Hawai'i. She manages a legal staff in Honolulu and supports TNC offices in China, Indonesia, Australia, Papua New Guinea, Palau, Micronesia, and the Solomon Islands. She co-teaches with Jean Campbell.

**ADJUNCT PROFESSOR CARL C. CHRISTENSEN** has a PhD in Zoology from the University of Arizona, graduated from Harvard Law School, and obtained an LLM in Environmental and Natural Resources Law from the Northwestern School of Law at Lewis & Clark College. From 1991 until 2000, he worked for the Native Hawaiian Legal Corporation. He then worked for the Indian Affairs Committee of the U.S. Senate in Washington, D.C. for several years before returning to Hawai'i in 2004 to practice and resume adjunct teaching at the law school.

**ADJUNCT PROFESSOR DOUGLAS A. CODIGA**, a 1994 graduate of the School of Law's Environmental Law Program, obtained an LLM degree from the Yale Law School in 1999, where he studied environmental and international law. He also holds a master's degree in religion, with a specialty in environmental ethics and Asian religions. He is of counsel with Schlack Ito Lockwood Pipee & Elkind. As an ELP adjunct professor, he has taught many courses, including International Environmental Law, and Wildlife and Natural Resources Law.

**ADJUNCT PROFESSOR HONORABLE DAVID A. EZRA**, who received his JD from St. Mary's University, recently served as Chief Judge of the Federal District Court in Hawai'i and has been on the federal bench since 1988. Judge Ezra has taught the Federal Courts course at the School of Law for over 20 years. *Honolulu Weekly* recently commented that "Chief Judge David Alan Ezra has ruled upon some of the most important cases in modern Hawaiian history," ranging from environmental law to education, constitutional issues, and Hawaiian rights.

**ADJUNCT PROFESSOR LEA HONG** received her JD from the William S. Richardson School of Law. She practiced for several years with the Honolulu office of the Sierra Club Legal Defense Fund (now Earthjustice). In 1996, she joined the law firm of Alston Hunt Floyd & Ing, where she co-chairs its environmental and cultural resources law practice group. She was honored in 2004 with Hawai'i Women Lawyers' top award, and is consistently listed by *Honolulu Magazine* as one of Hawai'i's "best environmental lawyers." She has co-taught Environmental Compliance and Regulated Industries, and co-teaches Environmental Litigation Seminar.

**ADJUNCT PROFESSOR ARNOLD LUM** attended UC Santa Barbara for undergraduate work, received his JD from UC Davis, and obtained his MS in zoology from the University of Hawai'i. He has practiced environmental law since 1976, served on the State Environmental Council, is vice-chair of the State's Marine and Coastal Zone Advocacy Council, and is actively involved in the environmental section of the American Bar Association. Professor Lum has directed the ELP's Environmental Law Clinic since 2002.

**ADJUNCT PROFESSOR STEVEN J. OPPENHEIMER** received his JD from the University of New Mexico School of Law in 1986 and holds an MS in biology. Prior to becoming an attorney, he was an environmental scientist with the State of New Mexico. Before moving to Hawai'i, he practiced environmental law in Southern California, where he represented clients on a broad array of compliance issues. Since 2001, he has been Associate General Counsel—Environmental with the Hawaiian Electric Company.

**ADJUNCT PROFESSOR KAPUA SPROAT** received a BA from Mills College in 1995 in political, legal, and economic analysis. She received her JD from the School of Law in 1998 with an Environmental Law Certificate. She is a staff attorney with Earthjustice's Mid-Pacific Office and resides on O'ahu with her husband Kahikukala Hoe. She was born and raised on Kaua'i's North Shore in Kalihiwai and is a member of the Akana and Sproat 'Ohana of Kaua'i and Kohala, Hawai'i. She co-teaches Environmental Litigation Seminar with Lea Hong.

**ADJUNCT PROFESSOR PAUL SULLIVAN**, who received his JD from Harvard University, served as Command Counsel for the Pacific Division, Naval Facilities Engineering Command at Pearl Harbor from 1982 until 2002 and has since served as Regional Counsel on the staff of the Commander, Navy Region, Hawai'i. His practice concentrates on real estate, administrative law, and environmental law. He began teaching at the School of Law in Fall 1998, offering Environmental Law and the Military.



Professor Joseph Sax (right), Wallace S. Fujiyama Visiting Professor of Law, with Dean Soifer and Professor Antolini.

The Environmental Law Program has hosted several prestigious scholars and environmental law practitioners as distinguished visiting faculty. In addition to enriching the learning experience of our students through their teaching and mentoring, they shared their expertise with the broader legal and public interest communities.

Fall 2005:  
**Professor Kheng-Lian Koh**, National University of Singapore School of Law

Spring 2004:  
**Professor Emeritus Joseph Sax**, Boalt Hall School of Law, University of California at Berkeley

Fall 2002:  
**Professor Steve Roady**, Earthjustice, Washington, D.C.

Fall 2001 & Spring 2002:  
**Professor Alison Rieser**, University of Maine School of Law

Spring 2001:  
**Professor Dan Tarlock**, Chicago-Kent College of Law

Fall 1995:  
**Professor William Rodgers**, University of Washington School of Law

Spring 1992:  
**Professor Carol Rose**, Yale Law School

Fall 1987:  
**Professor David Sive**, Sive Paget & Reisel, New York

## Certificate in Environmental Law

Every year, approximately ten graduates earn their Environmental Law Certificate, finding employment with private law firms; county, state, and federal government agencies; the judiciary; and nonprofit groups.

The Certificate is available only to University of Hawai'i law students. To qualify for a Certificate, a student must:

1. meet the general JD graduation requirements
2. successfully complete
  - Administrative Law (Law 561) and
  - Environmental Law (Law 582)
3. successfully complete a minimum of 8 credits from the following:
  - Domestic Ocean and Coastal Law (Law 592)\* or International Ocean Law (Law 593)\*
  - Environmental Compliance and Regulated Industries (Law 512)\*
  - Environmental Litigation Seminar (Law 529)\*
  - Hazardous Waste Law (Law 540)\*
  - International Environmental Law (Law 528)\*

- Land Use Management and Control (Law 580)
- Legal Aspects of Water Resources Control (Law 588)\*
- Topics in Environmental Law (Law 527)\*
- Wildlife and Natural Resources Law (Law 503)\*

4. successfully complete one of the following:

- Constitutional Law II (Law 534)
- Native Hawaiian Rights (Law 581)
- Negotiation & Alternative Dispute Resolution (Law 508)
- Remedies (Law 539)\*
- Federal Courts (Law 571)

5. maintain a cumulative grade point average of 2.0 or better in Certificate courses (which may not be taken on a credit/no credit basis)

6. successfully complete one of the following:

- two credit-hour approved externship (e.g., Environmental Division of the State Attorney General's Office)
- two credit-hour directed study that produces a paper on some aspect of environmental or natural resources law under the supervision of one of the ELP faculty
- Second-Year Seminar on an approved environmental topic
- Environmental Law Clinic (Law 590E)
- member of the Environmental or International Environmental Law Moot Court Team.

\* indicates alternate year course

School of Law  
2005 graduation.



For course descriptions, visit the School of Law web site: [www.hawaii.edu/law](http://www.hawaii.edu/law)



Professor Jarman's  
Fall 2004 Environmental  
Law class visits the  
H-Power plant.

## ELP Colloquia Series Speakers

The ELP sponsors frequent colloquia where prominent environmental law scholars and practitioners lecture on cutting-edge issues.



**Suzanne Case**, Executive  
Director, The Nature  
Conservancy, Honolulu  
(Spring 2005)



**Professor Hitoshi  
Ushijima**, Fukuoka  
University, Japan  
(Fall 2004)



**Professor Yucel Acer**,  
Onsekiz Mart University,  
Çanakkale, Turkey  
(Fall 2004)



**Professor Patrick  
Parenteau**, Vermont Law  
School (Spring 2003)

## Dual Degree Program Opportunities

Law students may take advantage of our dual degree program to pursue their JD and another graduate degree/certificate concurrently. Under this program, a certain number of credits for one degree/certificate may be counted toward the requirements for the second degree/certificate.

### GRADUATE CERTIFICATE IN OCEAN POLICY

This certificate program combines studies in ocean policy and sciences of the sea to provide an understanding of the natural environment, the technology that allows exploration and exploitation of that environment, and social factors that influence those environments. Under the Geography Department in the School of Social Sciences, the program ties together Asian, mainland U.S. coasts, and Pacific islands issues.

### GRADUATE STUDIES IN URBAN AND REGIONAL PLANNING

The Department of Urban and Regional Planning (DURP) offers a fully accredited Master of Urban and Regional Planning (MURP) degree, a PhD, and two certificates in planning: one for students with professional experience and another for students enrolled in an academic program other than planning at the University of Hawai'i. The Department takes a multi-disciplinary approach to planning education that emphasizes research, professional practice, and community involvement. It focuses on Hawai'i, the U.S., and the Asia Pacific Region. For further information, check DURP's web site: [www.durp.hawaii.edu](http://www.durp.hawaii.edu).

Native koa forest at Hakalau National Wildlife  
Refuge, Island of Hawai'i.

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### **General UH Student Information**

Web site: [www.hawaii.edu](http://www.hawaii.edu)

### **Mānoa Campus**

Web site: [www.manoa.hawaii.edu](http://www.manoa.hawaii.edu)



**STUDENT PROFILE: Koa Kaulukukui**, class of 2006, was born and raised in Puna on the Big Island. She graduated from Kamehameha Schools, then studied environmental science and broadcast journalism at Chapman University, finishing up her studies at the University of Hawai'i at Mānoa with a BA in Environmental Studies in 2003. Since entering the School of Law, she has been active with the Environmental Law Society and is a candidate for the Certificate in Environmental Law.

She received the 2004 Hawai'i State Bar Association Diversity Fellowship in Environmental Law, which supported her summer internship with the Deputy Director of Water at the State Department of Land and Natural Resources. In Fall 2004, she received an Environmental Law Program Pōhaku Travel Grant to attend a conference in Denver, Colorado, on the environmental impact statement process and environmental justice issues of indigenous peoples.

During the Summer of 2005, she worked at the U.S. Environmental Protection Agency regional office in San Francisco, California. After graduation, Koa hopes to work for a non-profit or government agency that will place her in a position to address Hawai'i's environmental challenges.

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opportunity/affirmative action institution.*

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